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**BY ECF**

Hon. Vera M. Scanlon, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 505 North  
Brooklyn, NY 11201

Re: Derrick Hamilton v. City of New York, et al., 15 CV 04574 (CBA) (VMS)

Your Honor:

I am senior counsel in the New York City Law Department, attorney for Defendants the City of New York, Frank DeLouisa, and Joseph Ponzi in the above-referenced matter. I write on behalf of all parties to seek clarification from the Court regarding the current discovery schedule.

By way of brief background, the parties submitted a joint letter / motion on April 7, 2016 (Dkt. 42) that outlined the status of discovery and identified areas of disagreement that necessitated judicial involvement. The submission also requested additional time to conduct depositions and complete discovery beyond the close of non-*Monell* fact discovery, *id.* at 3, originally scheduled for June 30, 2016. *See* Initial Conf. Order, ¶ 6 (Dkt. 28). Your Honor, by orders dated April 13, 2016 (Dkt. 43) and April 19, 2016 (Dkt. 45), granted the motion in part, set interim deadlines for the production of certain records, and scheduled a status conference for July 12, 2016. Since the last conference, the parties have remained active in discovery and are in the early stages of scheduling the depositions of Plaintiff and the non-party alibi witnesses.

While Your Honor's orders seem to contemplate an extension of non-*Monell* fact discovery, no specific date has been so ordered. Therefore, out of an abundance of caution, the parties respectfully request an extension of non-*Monell* discovery until October 31, 2016, with a corresponding four month extension to all existing deadlines. If, however, it is the Court's intention to discuss discovery and the need for a revised schedule at the July 12, 2016 conference, the parties will proceed accordingly. In either case, there are many reasons for the requested extension. As stated in the April 7 submission, the records produced in this case are voluminous and the parties require time to review them before taking the principal depositions.

Moreover, the New York City Defendants very recently obtained Derrick Hamilton's parole records, which will add over a thousand additional pages to the production universe. Defendants need time to process these records and produce them to the other parties. Finally, the nature of plaintiff's allegations presents a need to take several non-party depositions of alleged alibi witnesses. Plaintiff's counsel is in the process of determining whether he will be able to facilitate the scheduling of those depositions by non-party subpoena or otherwise.

This is the first request for an extension of the discovery deadlines set following the initial conference. It is made on consent of all the parties. Pursuant to your Honor's Individual Rules, a proposed scheduling order, consistent with the relief requested herein, is attached to this letter.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/

Jeffrey Loperfido  
Senior Counsel

**Enc.**

cc: All counsel of record via ECF